

266 CMR 2.00: DEFINITIONS

2.01: Definitions

As used in 266 CMR 1.00 through 10.00, the following definitions shall apply:

**Agent:** Seller's/owner(s) representative and or person authorized to act on behalf of the seller/owner(s) including a real estate broker or salesperson as defined in G.L.C. 112 § 87 PP.

**Associate Home Inspector:** A person licensed by the Board who is employed by a licensed home inspector to conduct home inspections of residential building(s) under the supervision of a licensed home inspector. **Architectural Services:** As defined in M.G.L. c. 112, §§ 60A THROUGH 60O (architect's license required).

**Deleted:** who is licensed pursuant to M.G.L. c. 13, § 96.¶

**Architectural Study:** A study requiring architectural services.

**Automatic Safety Controls:** Devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions. Testing these controls requires special tools, possibly conflicts with normal operating controls, and could cause damage to equipment and distribution systems and could endanger the Home Inspector. Testing is beyond the scope of the Standards of Practice. Testing should only be done by an appropriately licensed service technician and or engineer familiar with the operation of the control and or device. Home Inspectors and Associate Home Inspectors are prohibited from testing automatic controls with the noted exceptions of the arc and ground fault protective devices.

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**Board:** The Board of Registration of Home Inspectors established pursuant to M.G.L. c. 13, § 96.

**Buyers Broker:** A real estate broker or salesperson as defined in G.L.C. 112 § 87 PP acting exclusively on behalf of a buyer.

**Central Air Conditioning:** A system that uses ducts to distribute cooled and or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into an electrical convenience outlet.

**Client:** A person who engages the services of a home inspector for the purpose of obtaining inspection of and a written report on the condition of a residential building.

**Component:** A readily accessible and observable aspect of a system such as a floor or a wall, but not individual pieces such as boards or nails where many similar pieces make up the component.

**Continuing Education Program:** Formal presentation such as a lecture or interactive session with specified learning objectives at which registrants can earn contact hours approved by the Board based on criteria set forth in 266 CMR 5.00.

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**Contract:** The written agreement between the client and the home inspector spelling out the responsibilities and duties of each party and the fee for the home inspection.

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**Cross Connection:** Any physical connection or arrangement between potable water and any source of contamination.

**Dangerous or Adverse Situations:** Situations, as determined by the home inspector, to pose a threat of injury to the home inspector.

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**Describe:** A written account of the materials used in and the condition of the systems and components observed. A home inspector must state in his or her report whether the system or component described is in need of repair or requires further investigation. A description must include readily observable signs of concealed damage.

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**Direct Supervision:** Direct supervision means on-site and in-view observation and guidance of a supervisee who is performing an assigned activity during a home inspection.

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**Dismantle:** To take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened that a homeowner in the course of normal household maintenance would not dismantle other than the electrical panel cover(s).

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**Division:** The Division of Professional Licensure.

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**Dwelling:** A house, townhouse, condominium, cottage, or a building.

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**Educational Provider:** A person approved by the Board to offer continuing education credits.

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**Electrical Services:** As defined in M.G.L. c. 141, M.G.L. c. 148, §§ 10D and 10E, and 527 CMR 12.00 (electrician license required).

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**Engineering Services:** As defined in M.G.L. c. 112, §§ 81D through 81T. (engineer license required).

**Engineering Study:** A study requiring engineering services.

**Environmental Services:** Services that require physical samples to be taken and analyzed by a laboratory to determine the type of and presence of contaminants and or organic compounds as defined in M.G.L. c. 112, §§ 81D through 81T.

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**Fully Depreciated:** Item inspected is no longer under the manufacturer's warranty and it is suggested that it is reaching the end of its serviceable life, has no dollar or salvage value and replacement should anticipated.

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**Functional Drainage:** A drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

**Functional Flow:** A reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

**Heating Services:** As defined in M.G.L. c. 148, §§ 10C and 10H, and 527 CMR 4.00 (oil burner, plumber and electrician license required where applicable).

**Home Inspection:** The process by which a home inspector observes and provides pursuant to the sale and transfer of a residential building, a written evaluation of the following readily accessible components of a residential building: heating, cooling, plumbing and electrical systems, structural components, foundation, roof, masonry, structure, exterior and interior components and any other related residential housing components. A home inspection shall, at a minimum, conform with standards of practice promulgated by the board.

**Home Inspector or Inspector:** A person licensed as a home inspector pursuant to M.G.L. c. 112, § 22~~2~~.

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**Household Appliances:** Kitchen and laundry appliances, room air conditioners, and similar appliances.

**Indirect Supervision:** The oversight of activities, other than direct observation, performed by the Supervisor in order to provide guidance to a supervisee. These activities may include meeting with the supervisee; reviewing reports prepared by the supervisee; review and evaluation of the recorded instructions; and supervisory conferences that may be conducted by telephone.

**In Need of Repair:** Does not adequately function or perform as intended and/or presents a safety hazard.

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**Inspect:** To look at and examine readily accessible items, parts, systems or components as required by 266 CMR 6.00.

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**Installed:** Attached or connected such that the installed item requires tools for removal.

**National Home Inspectors Examination:** The written and/or electronic competency examination approved by the Board.

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**Normal Operating Controls:** Homeowner operated devices such as a thermostat, wall switch, or safety switch.

**Observable:** Able to be observed at the time of the inspection without the removal of covering, fixed, finished and or stored materials.

**Observe:** The act of making a visual examination. Systems and Components required to be observed pursuant to 266 CMR 6.00 do not need to be Described or Reported On unless they are in of repair, require additional investigation, show readily observable signs of concealed damage or otherwise specified.

**On –site Water Supply Quality:** Water quality is based on the bacterial, chemical, mineral, and solids content of the water.

**On-site Water Supply Quantity:** Water quantity is the rate of flow of water.

**Operate:** To cause systems or equipment to function.

**Plumbing Services:** As defined in M.G.L. c. 142 and 248 CMR 2.04 (plumber license required)

**Primary Windows and Doors:** Windows and exterior doors that are designed to remain in their respective openings year round.

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**Readily Accessible:** Capable of being reached quickly for visual inspection without requiring the inspector to climb over or remove any personal property, to dismantle, to use destructive measures, to resort to portable ladders and or any action which will likely involve risk to persons or property.

**Readily Operable Access Panel:** A panel provided for homeowner inspection and maintenance, which has removable or operable fasteners or latch devices in order to be lifted, swung open, or otherwise removed by one person, and its edges and fasteners are not painted in place. The panel must be within normal reach and not blocked by stored items, furniture or building components.

**Recreational Facilities:** Spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and otherwise entertainment, or athletic facilities.

**Registrant:** "Register", "registrant" and "registration" shall be used interchangeably with the words "license", "licensee" and "licensure".

**Repair:** all repairs, when implemented by the buyer, seller, and or homeowner shall comply with applicable requirements of the governing codes and good construction practices.

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**Report:** A written document setting forth findings of home inspection unless otherwise specified in these regulations.

**Report On:** A written detailed description of the condition of the systems and components observed. A home inspector must state in his or her report whether the system or component reported on is in need of repair or requires further investigation. The report must include readily observable signs of concealed damage.

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**Representative Number:** For multiple identical components such as windows and electrical outlets – one such component per room. For multiple identical exterior components – one such component on each side of the dwelling.

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**Residential Building:** A structure consisting of one to four dwelling units.

**Roof Drainage Systems:** Gutters, down spouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a building.

**Safe Access:** Access free of any encumbrances, hazardous materials, health and safety hazards such as climbing and or standing on other than the ground and or floor which may jeopardize the inspector.

**Safety Glazing:** Tempered glass, laminated glass or rigid plastic.

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**Safety Hazard:** A condition in a readily accessible, installed system or component, which is judged by the home inspector to be unsafe, of significant risk of personal injury during normal day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in the accepted residential construction standards.

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**Seller/Seller's Representative:** The owner of the property or one legally authorized to act on behalf of the owner such as an administrator, executor, guardian or trustee, whether or not a natural person or agent representing the seller.

**Deleted:** owner's agent of a dwelling being inspected.

**Shut Down:** A piece of equipment or a system is shut down when the device or control cannot be operated in a manner that a homeowner should normally use to operate it. If the safety switch or circuit breaker is in the "off" position, or the fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.

**Solid Fuel Heating Device:** Any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters) central furnaces, and any combination of these devices.

**Structural Component:** A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

**Sufficient Lighting:** Fully lighted with a minimum of 50 foot candlepower in all areas to be inspected.

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**Supervisor:** The licensed home inspector designated to oversee and supervise the training of an Associate Home Inspector and/or Trainee.

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**System:** A combination of interacting or interdependent components, assembled to carry out one or more functions.

**Technically Exhaustive:** An inspection is technically exhaustive when it involves the extensive use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

**Trainee:** A person in training, who has not met the requirements for an Associate Home Inspector's License.

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**Under Floor Crawl Space:** The area within the confines of the foundation and between the ground and the underside of the lowest floor structural component.

**Unsafe:** A condition in a readily accessible, installed system or component, which is judged to be of significant risk of personal injury during normal, day to day use. The risk may be due to damage, deterioration, improper installation or a change in the accepted residential construction standard.

#### **REGULATORY AUTHORITY**

M.G.L. c. 13, § 96, c.112, §§ 221 through 226.